(3)

Single Bench

BEFORE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR (C.G.)

W.P. NO. 1088 /2006

PETITIONER : **DR. ANJALI KASHYAP**

Aged about 42 years

D/o. Shri J.L.Kashyap

Assistant Professor (Political Science)

Government Girls College, Dhamtari

Tahsil & Distt. Dhamtari (C.G.)

I.R. No. 1158/06
Present: VCS Tamrakar
dated 2/3/06

VERSUS

RESPONDENTS :1. **STATE OF CHHATTISGARH**

Through : Principal Secretary

Higher Education Department

Govt. Of Chhattisgarh Mantralaya,

D.K.S. Bhawan, Raipur (C.G.)

2. **PRINCIPAL**

Government Girls College

Dhamtari (C.G.)

3. **SHRI J.L. PATIL**

Assistant Professor (Sociology)

Govt. Girls College. Dhamtari (CG)

4. **SHRI R.K.AGRAWAL**

Assistant Professor (Economics)

Govt. Girls College, Dhamtari (CG).

5. **PRINCIPAL SECRETARY**

Cultural Education and Tourism

Govt. of Chhattisgarh, Mantralaya

D.K.S. Bhawan, Raipur (CG)

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02/03/06
Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLES 226/227 OF CONSTITUTION OF INDIA

AFR

156

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

W. P. No. 1088 of 2006

Petitioner : DR. Anjali Kashyap

Versus

Respondents : State of Chhattisgarh & others

ORDER

Post for 23 -4-2007

Sd/-
Satish K. Agnihotri
Judge

(157)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1088 of 2006

Petitioner — DR. Anjali Kashyap Aged about 42 years D/o. Shri J.L. Kashyap Assistant Professor (Political Science) Government Girls College, Dhamtari Tahsil & Distt. Dhamtari (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through : Principal Secretary Higher Education Department, Govt. of Chhattisgarh, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Principal, Government Girls College, Dhamtari (C.G.)
3. Shri J.L. Patil, Assistant Professor (Sociology), Govt. Girls College, Dhamtari (CG)
4. Shri R.K. Agrawal, Assistant Professor (Economics) Govt. Girls College, Dhamtari (CG)
5. Principal Secretary, Cultural Education and Tourism Govt. of Chhattisgarh, Mantralaya, D.K.S. Bhawan, Raipur (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Single Bench Hon'ble Mr. Justice Satish K. Agnihotri

Present: Mr. V.G. Tamaskar, Advocate for the petitioner.
Mr. V.V.S. Murthy, Deputy Advocate General for the respondents No. 1, 2 and 5.
Mr. Awadh Tripathi, Advocate for the respondents No. 3 and 4.

ORDER

(Passed on this 23rd day of April, 2007)

1. By this petition, the petitioner impugns the transfer order dated 10th November, 2005 (Annexure P/1), whereby the petitioner, being a lady teacher, has been transferred from Government Girls College, Dhamtari to Government College, Bemetara, District Durg.

2. The indisputable facts in nutshell are that the petitioner was the only lady teacher working in the Government College at Dhamtari, which is a Girls College, exclusively meant for women. Learned counsel appearing for the

petitioner submit that all the teachers working in the said College are male teachers and the petitioner was the only lady teacher in the said College. The petitioner has been transferred due to administrative reasons.

3. The respondents No. 1, 2 and 5 in its return dated 15.6.2006 does not controvert the averment made by the petitioner that she was the only lady teacher in the Government Girls College, but it is strongly denied that only female staff can be posted in a Girls College. It is not the case of the petitioner either.

4. Learned counsel further submits that in the College meant for girls exclusively, there should be a reasonable number of lady teachers to maintain the quality and Indian ethos in public life.

5. Learned counsel appearing for the respondents does not oppose to the principle made applicable in appointing teachers in Girls Colleges. In the present case, since the impugned order dated 10th November, 2005 was not stayed, the order has been given effect to and the petitioner has joined the new place of posting at Government College, Bemetara, District Durg due to administrative exigency.

6. It is trite law that a lady teacher cannot claim her appointment in the Girls College only. Thus, the impugned order cannot be held as bad and vitiated. However, in accordance with the cultural milieu of the Indian society, it is necessary to maintain a reasonable strength of lady teachers in the Schools/Colleges meant for girls exclusively.

7. The respondent-authorities may consider appointment of the petitioner at the old College, keeping in view the object mentioned hereinabove.

8. As a result and foregoing reasons, this petition is disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

B/-